United Nations A/CONF.187/12

CRIME

Tenth
United Nations Congress
on the Prevention of Crime
and the Treatment of Offenders
Vienna, 10-17 April 2000

Distr.: General
2 March 2000

Original: English

Item 6 of the provisional agenda*
Offenders and victims: accountability and fairness in the justice process

Women in the criminal justice system

Background paper for the workshop on women in the criminal justice system**

Summary

The present paper presents four modules for discussion in the workshop on women in the criminal justice system, each dealing with a different aspect of the situation of women vis-à-vis criminal justice systems within the framework of transnational organized crime: (a) women as offenders and prisoners; (b) women as victims and survivors; (c) women in the criminal justice system; and (d) research and policy issues. The paper highlights the disproportionately adverse impact that transnational organized crime has on women, as particularly disadvantaged or vulnerable victims, and the importance of gender mainstreaming in the field of criminal justice.

* A/CONF.187/1.

** The Secretary-General wishes to acknowledge the contribution to the preparations for the workshop made by the European Institute for Crime Prevention and Control, affiliated with the United Nations, in cooperation with the Australian Institute of Criminology, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, the National Institute of Justice of the United States Department of Justice and the International Centre for Criminal Law Reform and Criminal Justice Policy, and by Frances Heidensohn at Goldsmith University of London. The workshop is being organized by the European Institute for Crime Prevention and Control, in cooperation with the above-mentioned institutes and centres and the Centre for International Crime Prevention of the Secretariat. A preparatory meeting for the workshop was held in Helsinki on 9 and 10 April 1999.

V.99-91096 (E)

Contents

		Paragraphs	Page
I.	Introduction	1-5	3
II.	Module 1: Women as offenders and prisoners	6-13	3
III.	Module 2: Women as victims and survivors	14-20	5
IV.	Module 3: Women in the criminal justice system	21-32	6
V.	Module 4: Research and policy issues	33-41	8
VI.	Possible issues for discussion	42	9

I. Introduction

1. The Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, called upon Governments, the international community and civil society to take strategic action in a number of critical areas of concern, one of which was violence against women.[1] The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.[2]

2. Within the framework of criminal justice administration, the continued marginal status and position of women in society and vis-à-vis legal systems have also resulted in their special needs also being regarded as marginal. Criminal justice systems are male-oriented and male-dominated and typically do not regard gender issues as relevant. The status of women is such that women are in a problematic situation as offenders, detainees, victims and even practitioners. One example of this problematic situation is transnational organized crime, with its unique processes, mechanisms and operations. It demonstrates the nature, extent (increasing, yet unrecorded) and gravity of various forms of criminal violence and exploitation by which women and girls are victimized. It underlines the need to guarantee women their legal rights and fundamental freedoms, equal protection under the law and fair treatment in the justice system. It even blurs the lines of distinction between women offenders and women victims.

3. An intensified response on the part of justice systems to criminal violence and exploitation perpetrated against women and girls is provided for in the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 52/86 of 12 December 1997, annex), which builds upon the objectives of the Platform for Action adopted by the Fourth World Conference on Women.[3] The Model Strategies are aimed at deterring and punishing violence against women in all its forms and at mainstreaming a gender perspective in the field of criminal justice.

4. Eliminating violence against women and girls and promoting their fair treatment are continuing programmatic concerns of the Centre for International Crime Prevention. Through its programmes on technical cooperation, research and standards and norms, the Centre promotes an effective response on the part of justice systems to criminal violence perpetrated against women, pursuant to the Model Strategies and in line with other international instruments. Through the Global Programme against Trafficking in Human Beings, the Global Studies on Transnational Organized Crime and planned and ongoing operational activities, the Centre intends to foster a global approach and international cooperation aimed at eliminating violence against women.

5. The subject of women and criminal justice is relevant to many issues to be dealt with at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The workshop on women in the criminal justice system, to be organized within the framework of the Tenth Congress, will provide a forum in which gender-related issues concerning criminal justice administration may be discussed.

II. Module 1: Women as offenders and prisoners

6. Little is known about the participation of women in perpetrating organized crime, including trafficking in persons, stolen art, endangered species and stolen cars. However, information is increasingly becoming available on women imprisoned as drug couriers, perhaps due to their rapidly increasing numbers.

7. Women account for a relatively small proportion of the known number of offenders of all types.[4] Recorded offences committed by women are predominantly property-related and, increasingly, drug-related. Violent offences committed by females have a lower incidence than those committed by males. Most violent offences in which women were known to be the perpetrators were committed against family members, most often the women's abusive spouses or children. Women's involvement in crime has been linked by researchers to opportunity theory and changes in opportunity structures over the years, particularly in some parts of the world.[5] Over the years, much attention has been given in United Nations bodies to the fair treatment of women,[6] in particular the girl child,[7] by the criminal justice system. That, in turn, has had an impact on the development of an international notion of juvenile justice.[8] In the wake of the Fourth United Nations Conference on Women, the elimination of violence against women in all its forms became a major international issue, including in United

Nations programmes, in activities concerning women refugees, women migrants, women migrant workers, the girl child,[9] women's health and education, women and labour, the rights of women and children, and human rights in the administration of justice. Trafficking in women for the purpose of prostitution has led to a debate focusing on women's victimization, human rights and fundamental freedoms.

8. The issue of women committing offences has to be understood in the context of the status and quality of life of women and opportunity structures with respect to women. The consideration of the criminal nature of the activity in which women are engaged typically overrides that of the victimization itself. For the most part, women offenders come from economically and socially disadvantaged segments of the population. Typically, they are relatively young and unemployed, have reached relatively low levels of education and have dependent children.

9. Many women imprisoned for offences related to drug trafficking are without legitimate financial means. They are often duped, entrapped and even enslaved by drug trafficking networks and unaware of the risks and consequences involved, which, in some cases, include criminal sanction and deportation. They receive remuneration that is disproportionate to the risks involved and to the market value of, and profits derived from, the illicit substances being trafficked. Such women are exposed to danger from the trafficking processes involved and from the organizers. The women nevertheless take part in such activity, as the small remuneration that they receive helps them to meet the basic needs of their families. The increasing number of women in prison for drug offences indicates the urgent need for an examination of the consequences that women suffer for participating in such activity.

10. Women who have been trafficked are often forced to work illegally in sweatshops, as beggars, and in the sex trade. As women who were trafficked for the purpose of prostitution become older and are no longer able to work within the sex trade, they may find that their victimization has severely limited their options in life. Faced with living on the streets, many of them turn to trafficking in younger women.

11. Women constitute a minority of the detainees in prison systems. Prison systems are designed, organized and administered predominantly by males and with a predominantly male population in mind. Many women are held for extensive periods in pre-trial detention centres. Reviews and evaluations concerning the terms of imprisonment of women identify problems of inadequate or inappropriate health services (especially in relation to maternity), classification and segregation, family visitation, programmes geared towards males and limited access to other programmes. Post-incarceration difficulties relate to the preparedness for and support upon release and reintegration into society. In a number of countries, trafficked persons are held in prison before deportation, which might be considered a form of secondary victimization.

12. In general, the stigma associated with criminality is far greater for women than for men; communities are often far less forgiving of a female criminal. Women may be rejected not only by their community but also by their families. This situation has to be acknowledged and addressed in the development of post-release options and programmes and community-based rehabilitation or alternatives to imprisonment. Imprisoned drug couriers face difficulties in obtaining alternatives to custody in sentencing, in some cases for reasons that might have to do with their situation as immigrants or illegal aliens. There is a need for immediate review and monitoring of criminal justice policies and practices. Separation from their families and anxiety about the well-being of their children are major issues for women in detention. The access that a female prisoner has to her children varies considerably from country to country; there has been some discussion concerning the most appropriate arrangements in this regard, but many problems remain unresolved. While culture-related variations are to be expected, there is a need for more sharing of information at the international level regarding best practices.

13. One matter of particular concern in relation to the imprisonment of women is the disproportionate share of imprisoned women in many countries who are members of ethnic and racial minorities. A woman convicted of committing a transnational crime may be imprisoned away from her home country, family and community network. Such women face particular problems such as not being familiar with the local language and not understanding formal and informal rules of the prison system. They may well be confronted not only with linguistic and cultural isolation, but also with racism and xenophobic violence. The abuse of women in custody is a particularly urgent matter that requires a more prompt and effective response on the part of prison systems in accordance with international standards and norms.

III. Module 2: Women as victims and survivors

14. Transnational crime poses complex problems in terms of victimization for many individuals; however, it has a disproportionately adverse impact on women, as shown by the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which is negotiating the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.5), and the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.4), both of which pay particular attention to the protection and support of victims. In the proposed preamble to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, it is stated that women and children are particularly vulnerable to and targeted by transnational criminal organizations engaged in trafficking in persons.

15. The victimization of women cannot be addressed without examining their disadvantaged situation.[10] There is evidence that women's victimization is directly linked to their social status. Women are at relatively greater risk of various forms of victimization due to gender inequality. The information available on women as victims of crime is derived mostly from victimization surveys.

16. Various forms of criminal violence are gender-directed or gender-targeted violence and include exploitation for sex and labour via organized criminal operations. The elimination of all such forms of violence is the object of the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. Major United Nations conferences on the subject have made clear that such violence in all its forms nullifies the advancement and fundamental freedoms of women and violates their human rights. It is incumbent on the justice systems to upgrade their responses to criminal victimization perpetrated against women and girls, in terms of prevention, deterrence, law enactment, law enforcement, sanctioning and victim support. Criminal justice systems have a central role to play in ensuring the security and safety of women and in removing what might be regarded as invisible barriers to freedom from their criminal victimization.

17. Thus, women have to be protected in terms of the risk that they bear as a highly vulnerable segment of the victim population. In addition to that, however, they deserve equal protection under the law, equal access to justice mechanisms, equal protection and safeguarding of their legal rights, fundamental freedoms and dignity, and fair treatment, including in terms of victim support and assistance. There should not be circumstances under which gender-directed criminal violence can be invited, tolerated or condoned; nor should there be circumstances of non-feasance or malfeasance in response to such victimization. The forwarding and/or acceptance of stereotypic arguments of victim precipitation and victim-blaming, including on the part of justice officials, do not conform with international standards and norms.

18. One matter of high priority is to promote safe communities and streets for women and girls so that they may realize their potential through equal opportunities and exercise their rights. Of critical importance to this is the realization, in terms of policy-making and decision-making and practical responses, of the relationships between the causes and consequences of victimization on the one hand and the pressing needs of potential women victims on the other. Public awareness campaigns, coupled with community-based prevention, including in homes and schools, are among the best ways to utilize scarce resources; such campaigns often contain a strong and coherent anti-violence message. The proper education, socialization and rearing of children and the setting up of a system of support, referral and response also constitute an important part of such efforts.

19. Research has demonstrated that women and girls who commit crime often have a history of prior victimization. Familial abuse may force women to try to survive on the streets. Women who are illegal migrants might be pressured to further violate the law in order to avoid deportation. Trafficked women might have been physically and psychologically coerced, or false pretences or duplicity might have been used to get them to enter into the sex trade. Attempts by such victims to resist rape and exploitation or to defend themselves against violence perpetrated by family members, intimates, associates, sponsors or employers commonly result in the victims committing additional criminal acts.

20. To combat women's victimization, particularly in the context of transnational organized crime, it is necessary to focus on the reasons for such criminality. Despite their attempts to resist abuse, most victims avoid reporting to

authorities about being victimized. Research has resulted in the identification of factors, including cultural values, that contribute to non-reporting on the part of victims. Formidable difficulties are encountered by all types of abused women. Such difficulties include threats by abusers, prevailing or persisting stereotypic attitudes or notions that minimize or excuse victimization and lack of confidence in (or lack of response by) the justice administration. Female immigrants experience unique difficulties, such as inability to communicate, lack of information about legal processes, and discrimination, which may be exacerbated by their lack of certain legal rights as a result of their illegal status. In addition, there may be no assistance or support from the country of origin or the host country of the female victim. The support services may not suit the circumstances and needs of the victims.

IV. Module 3: Women in the criminal justice system

21. It is important to examine the ways in which criminal justice systems can help to prevent traditional, discriminatory criminal violence against and the exploitation of women and girls. The growing threat posed by transnational organized crime makes it necessary to focus on the victims' access to services, bearing in mind the impact that criminal law and procedure, criminal justice processes and crime prevention strategies have on the lives of women and girls.

22. Transnational organized crime, especially trafficking in migrants, affects all regions of the world. Combating trafficking in human beings requires a twofold approach: a criminal justice response, to prevent the crime and deter the offenders; and a human rights response, to protect and defend the rights and integrity of the trafficked persons.

23. Among the measures regarding criminal procedure advocated in the Model Strategies and Practical Measures on the Elimination of Violence against Women are those aimed at ensuring the safety of victims and their families and at protecting them from intimidation and retaliation. The need to protect witnesses against intimidation has arisen in connection with, *inter alia*, organized crime, terrorist offences, drug-related offences and domestic violence. Fear for the safety of the individual concerned and of his or her family members continues to hinder the giving of testimony in cases involving organized crime.

24. Governments have been invited by various legislative bodies and in various instruments such as the Model Strategies to review their criminal laws and criminal justice administrations in order to render them as effective as possible in eliminating violence against women. This exercise is both delicate and complex. Transnational organized crime, because of its nature, requires distinct and somewhat different responses on the part of criminal justice systems. Among other things, it requires a level of international cooperation that is not usually necessary for the control and prevention of other forms of crime. That is also the case for certain forms of organized crime that target women.

25. Many legal statutes governing slavery or forced prostitution tend to be either vague or too narrow to cover all situations involving trafficking in human beings. In the Platform for Action adopted by the Fourth World Conference on Women,[11] Governments were urged to consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.[12] Since then, a number of countries have enacted new legislation, the impact of which has yet to be evaluated systematically. Recently, the Commission on Human Rights, in its resolution 1999/40 of 26 April 1999, entitled "Traffic in women and girls", called upon Governments to criminalize trafficking in women and girls in all its forms, to condemn and penalize all the offenders involved, while ensuring that the victims of such practices were not penalized.

26. A recent examination of efforts to combat trafficking in persons among States of the Organization for Security and Co-operation in Europe (OSCE) revealed that a unified approach did not exist for combating trafficking among OSCE destination countries.[13] It was found that most participating OSCE States lacked an adequate legal framework to combat trafficking in persons. Most relied on existing criminal law statutes, usually those dealing with prostitution. Few States had specific laws against such trafficking. The existing laws defined the offence in terms of trafficking for prostitution or sexual exploitation and, therefore, might prove to be inadequate for the purposes of addressing the various forms of trafficking and contemporary forms of slavery.

27. The main law enforcement problems noted in the above-mentioned report included the following: trafficking in human beings tended to be seen as a far less serious problem than trafficking in drugs or firearms; few law

enforcement agencies seemed to recognize fully the brutality of the crime or address the involvement of organized criminal groups; trafficking in human beings was often regarded as nothing more than "foreign prostitution" or black-market labour rather than as a form of slavery; the consent of the trafficked person was presumed; the problem was dismissed as an abuse by private individuals for which States had no responsibility; and the laws that were enforced were far more likely to be enforced against the trafficked persons than against the perpetrator of the trafficking crimes.[13]

28. Law enforcement agencies have often argued that it is difficult for them to prosecute trafficking offences under the current system in many countries. It is difficult to convict a trafficker if the key witness has already been deported. Immigration laws, policies and procedures should ensure that the victimization of trafficked persons is not compounded by the intervention of the destination, transit or source State. In many cases, strict immigration laws and procedures relating to the deportation of illegal migrants or workers hamper efforts to prosecute trafficking crimes and to protect the human rights of victims. The threat of immediate deportation prevents victims from seeking help from police or other authorities; and victims who are arrested or otherwise escape their traffickers do not receive the assistance or protection that they need. Those attempting to assist victims of trafficking are reluctant to cooperate with law enforcement. Effective law enforcement is severely undermined because victims are unwilling or unable to testify against traffickers. Even when reasonably good laws exist, trafficking in persons remains a relatively low law enforcement priority in a number of countries. As it is generally assumed that organized crime in general and trafficking in women and children in particular cannot occur on the scale that they do without the collusion of officials, specific measures to combat corruption are required.

29. In some countries there are already extensive witness protection programmes. But in many countries where the incidence of serious crime is not high, such programmes do not exist. There is a need to explore ways and means of giving the protection needed in each individual case. The many problems that arise relate, *inter alia*, to the specific circumstances in different countries. When designing a framework of measures to combat organized crime, specific rules of procedure should be adopted to cope with the intimidation of witnesses. Moreover, international cooperation is needed to facilitate the protection of witnesses and the implementation of protection programmes across borders. A number of regional organizations, such as the Council of Europe[14] and the European Union, have been active in the area of witness protection.

30. Many victims of trafficking in human beings are detained by the receiving State, for violation of immigration laws, for prostitution, or even as witnesses. Illegal migrants who are detained by the receiving State have a recognized right under international law to be treated with humanity and dignity, both before and after the determination of the lawfulness of their detention.[15] Trafficked persons who are arrested do not necessarily receive the assistance that they need and are entitled to under international human rights instruments. Their almost automatic deportation as illegal migrants also compounds the problem. Many victims are deported without having even been identified as such.

31. A few countries have specific legislation permitting a temporary stay for victims of trafficking. Such legislation is meant to allow the victim of a crime involving trafficking to become a temporary resident and to receive assistance while cooperating with law enforcement. Some countries have institutionalized policies for assisting victims of trafficking offences and offer a temporary stay of deportation while the victim decides whether to participate as a witness in criminal proceedings. Not surprisingly, those countries have reported significant increases in witness testimony and successful prosecution of traffickers. The United Nations High Commissioner for Human Rights has expressed the view that, at a very minimum, the identification of an individual as a trafficked person should be sufficient to ensure that immediate expulsion that goes against the will of the victim does not occur and that protection and assistance are offered.[16]

32. Specific measures are required to raise public awareness of the seriousness of the impact of certain forms of transnational organized crime, in particular trafficking in women and children. Specific measures are also required to inform potential victims of such trafficking of the risk that they face. In a number of countries it would appear that state-sponsored programmes are virtually non-existent, that public awareness about trafficking remains low and that the requisite resources for such programmes are not available.

V. Module 4: Research and policy issues

33. There has been an exponential growth in the number of studies on violence against women over the last decade. Global concern with violence against women has resulted in broader international recognition of the need for and importance of gender-sensitive and gender-balanced research approaches. The situation of women with respect to transnational organized crime has not been given similar attention in terms of research; consequently, there is a lack of comparative data in this area. There is also a need for gender-sensitive research to evaluate the role and the extent of this phenomenon and to prompt reform in law-making, policy-making and decision-making.

34. Violence against women can be measured in different ways. There are limitations to official statistics. Crimes recorded by the police take account of only those events which have come to the attention of the police and which the police have classified as offences. There are several reasons why crimes are not reported to the police and why the police do not record them. Victims of violence against women may feel shame and guilt and, in many cases, want to hide the problem from their neighbours, relatives and others, especially if the abuser is a partner, relative or friend. Victims may also be threatened about reporting the offence to authorities, or there might be economic consequences if the partner who might also be the main breadwinner of the family is convicted (fines are paid from the family budget, and imprisonment may lower the family income). Police officers might regard the situation as an ordinary family dispute that does not need to be recorded as a crime. For these reasons, many violent acts against women do not come to the attention of the authorities. The number of unrecorded crimes involving violence against women is high.

35. National victim surveys include questions on physical and sexual violence against women. Findings suggest that there are grounds to claim that both reporting in a survey and reporting to the police undercut the true extent of victimization of women. General victimization surveys have not been able to provide reliable information on specific characteristics of violence experienced by women. The results of national studies on violence against women are hard to compare because the methods of data collection and the survey questions are different. In order to collect comparable data, an international survey on violence against women would be appropriate. The survey would operate in a manner similar to that of the International Crime (Victim) Survey, using statistically representative samples, a standardized questionnaire and the same methodology in all participating countries.

36. National surveys on violence against women, based on interviews of a representative sample of the female population, have been carried out in several countries.[17] The primary focus of the surveys is the measurement of physical and sexual violence experienced by women; however, data on women and transnational crime are lacking in the surveys.

37. Basic research on prevalence gives vital information, but what is also needed is innovative methods for providing information on the everyday experiences of women in connection with crime and the criminal justice system, that is, a woman's viewpoint of the research. In particular the multiple forms of transnational crime are difficult to study using traditional methods. There is a need to combine quantitative and qualitative research to compare information from several official and unofficial sources and to compare information at the national, regional and global levels. There is also a great need for data that can shed light on all sides of the problem: operational data can assist in detecting crime and patterns in crime; disaggregated research data can show different patterns between women and men; and victim surveys, and especially booster samples, can bring to light crime rates never shown in official statistics.

38. Gauging the nature and extent of gender balance within a particular criminal justice system would require the development of multiple direct and indirect indices and, above all, more sophisticated methodologies for the collection and analysis of information on trafficking in women.

39. It is difficult to measure the phenomenon of trafficking in women. It appears that trafficking issues are mostly dealt with in media reports, while scientific information on the subject is scarce and rarely reliable. No accurate statistics are currently available on the magnitude of trafficking in human beings and smuggling of migrants. It has been argued that reasons for this include the following: different countries and international agencies use different definitions of smuggling and trafficking; it is likely that the majority of people who are smuggled or trafficked are never detected by immigration authorities; there are no systems for collecting data on people who are apprehended and/or rejected at airports; and there is no incentive for apprehended illegal migrants to divulge

information about whether they are part of a larger organized activity.

40. The problem of transnational crime, more than any other form of crime, requires international cooperation, especially in multidisciplinary research. Through international research cooperation it is possible to obtain information on cross-border crime; such information is useful in the prevention of crime and in policy-making. New research methods are also needed to establish a link of cooperation between practitioners, researchers and non-governmental and voluntary organizations in different fields. International cooperation makes it possible to gather the results of comparative research, which in turn makes it possible to develop macrolevel indicators, as well as benchmarks. With evaluative research it is possible to determine which methods really work; and with the cooperation of an international network, the research results can be conveyed to a large audience. New methods are also needed to tackle the questions connected to non-traditional forms of crime experienced by women, both as offenders and as victims. Research on the subject should be coordinated at the local, national and international levels.

41. Researchers examining questions concerning women and transnational crime may themselves be threatened with or be subject to physical danger; the use of force by members of criminal organizations in order to maintain the status quo is the rule rather than an exception. Research results may be considered a threat to the highly lucrative business of transnational crime, and researchers may be identified with members of law enforcement or other systems of control. Also, close cooperation with the police might create some ethical considerations. For example, in some countries the victims of trafficking in women or women working as prostitutes may be considered to be offenders; that puts the researcher in a position where he or she might unintentionally assist the police, thus further weakening the status of the women concerned.

VI. Possible issues for discussion

42. Issues that could be examined in the workshop, include the following:

(a) Women as offenders and prisoners (module 1):

(i) Relation between the victimization and status of women;

(ii) Implications and ramifications for women of new policies and programmes in the field of crime prevention and criminal justice;

(iii) In the area of incarceration of women, specific health needs, maternal responsibilities, vulnerability to exploitation and abuse while in confinement, and programmes and services to meet the needs of an increasingly culturally and racially diverse female prison population;

(iv) In respect of women offenders, crime prevention policies first and foremost addressing the socio-economic status of women, social and community support, and options available to the most disadvantaged women in society;

(v) Implementation of relevant international instruments to ensure that equality, justice and the protection of human rights are key objectives of the responses on the part of the justice system in every society to the criminal conduct of women;

(vi) The importance of analyses of the role of women in criminal organizations to increasing the knowledge available on the organizational operations and mechanisms of transnational crime, and the nature and extent of community involvement, support and collaboration;

(b) Women as victims and survivors (module 2):

(i) Ways to reduce the vulnerability of women and to develop indigenous strategies aimed at reducing their exploitation and abuse, with emphasis on the empowerment of women;

(ii) Provision of sustainable economic options for women as a key issue in addressing the victimization of women, particularly in the processes involved in trafficking in persons;

(iii) Development of common strategies and the strengthening of communication networks between governmental agencies and non-governmental organizations so as to provide more effective support to women who resist victimization;

(iv) Development of ways to render support to women and girls when they report crimes against them and later give evidence in court;

(v) Elimination of barriers to reporting, so that women who make the decision to report their victimization are supported by appropriate procedures, mechanisms and processes; safeguarding of the

fundamental rights of women and girls who are victimized; and provision of the requisite support, protection and fair treatment in justice processes;

(vi) Central role of prevention in measures against victimization;

(c) Women in the criminal justice system (module 3):

(i) Recognition of a universal definition of trafficking in human beings;

(ii) Punishment, prevention and protection (including the protection of human rights) as the main pillars of an effective strategy to combat trafficking in human beings;

(iii) State intervention to involve the enforcement of a series of provisions that are not limited to penal sanctions but also include compensatory and civil solutions, victim support measures, educational and information programmes and awareness campaigns involving the mass media, keeping in mind the problems confronting women in the criminal justice system;

(iv) Provision of adequate cross-cultural training emphasizing gender-sensitivity and human rights for police, criminal justice officials, practitioners and professionals involved in the criminal justice system in order to ensure that they understand the unacceptability of violence against women in any form, its impact and its consequences;

(v) Development of enforceable standards of practice and conduct on the part of criminal justice practitioners that promote justice and equality under the law and an adequate response to the problem of violence against women;

(d) Research and policy issues (module 4):

(i) Advancement of gender-sensitive research with emphasis on women's questions, including research capable of having an impact on policies regarding the status of women;

(ii) Development of a gender-desegregated database and the conduct of surveys on the global nature of violence against women and the evaluation of best practices for prevention and control of such violence;

(iii) Planning for technical cooperation, taking into account similar efforts that are existing or planned at the international and national levels, in order to avoid duplication and to utilize available resources more effectively.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap.I, resolution 1, annex II, paras. 44 and 112-130.

[2] Ibid., chap. I, resolution 1, annex II, para. 113.

[3] Ibid., resolution 1, annex II.

[4] Mike Maguire, Rod Morgan and Robert Reiner, eds., *The Oxford Handbook of Criminology*, 2nd ed. (New York, Oxford University Press, 1997); Frances Heidensohn, *Women and Crime*, 2nd ed. (Basingstoke, Macmillan, 1996); and Nicole Rafter, ed., *Encyclopedia of Women and Crime* (Phoenix, Oryx Press, 2000).

[5] On female criminality, see Freda Adler, *Sisters in Crime* (New York, Houghton Mifflin, 1975); and Freda Adler and Rita James Simon, *The Criminology of Deviant Women* (Boston, Houghton Mifflin, 1979).

[6] See the reports of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16) and on the fair treatment of women by the criminal justice system (A/CONF.121/17 and Corr.1 and Add.1).

[7] See the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7) and the report of the Secretary-General on research in juvenile delinquency (A/CONF.121/11).

[8] A. Viccica, "Development and promotion of an international notion of juvenile justice", *Nordic Journal of International Law*, vol. 3, No. 2 (1985).

[9] See the report of the Secretary-General on the draft plan of action on the elimination of violence against women (E/CN.15/1996/11 and Corr.1), the report of the Secretary-General on measures to prevent trafficking in children (E/CN.15/1997/12) and the report of the Secretary-General on the elimination of violence against women (A/54/69-E/1999/8).

[10] See V. Ruggiero, "Trafficking in human beings", *International Journal of the Sociology of Law*, vol. 25, 1997, pp. 231-244.

[11] *Report of the Fourth World Conference on Women* ..., chap. I, resolution 1, annex II, para. 130 (e).

[12] See also the recommendations of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996 (A/51/385, annex).

[13] Office for Democratic Institutions and Human Rights, "Trafficking in human beings: implications for the OSCE", background paper 1999/3.

[14] See Council of Europe recommendation No. R (97) 13, on the intimidation of witnesses and the rights of the defence, 1998.

[15] See the informal note by the United Nations High Commissioner for Human Rights (A/AC/254/16, para. 7).

[16] See the report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session (E/CN.4/Sub.2/1999/17, paras. 13-34).

[17] For example, in Australia in 1996, Canada in 1993, Finland in 1997, New Zealand in 1996 and the United States of America (several studies).